

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 3002 of 2007(G)

PETITIONER:

K. VALSALA, RET.HEADMISTRESS OF
PALLIPURAM UNION U.P.SCHOOL,
KARTHIKA (H), SANTHOSH NAGAR,
PIRAYIRI P.O., PALGHAT-678 019.

BY ADV. SMT.LEELA NARAYANAN
SMT.RINCI ANTONY.T

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF EDUCATION,
THIRUVANANTHAPURAM.
2. THE ACCOUNTANT GENERAL
OFFICE OF THE ACCOUNTANT GENERAL (A & E)
THIRUVANANTHAPURAM.
3. THE DEPUTY DIRECTOR EDUCATION,
CIVIL STATION, PALAGHAT.
4. A.E.O., CIVIL STATION, PALAGHAT.
5. THE SUB-TREASURY OFFICER,
SUB-TREASURY, PALGHAT.

BY GOVERNMENT PLEADER SMT. M.R. SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC NO.3002/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	COPY OF THE PENSION PAYMENT
EXT.P2	COPY OF THE INTIMATION LETTER DT. 5.4.06
EXT.P3	COPY OF THE JUDGMENT DT. 11.12.06 IN W.P(C) No.29370/06
EXT.P4	COPY OF THE LETTER DT. 7.11.06
EXT.P5	COPY OF THE REPLY DT. 13.11.06
EXT.P6	COPY OF THE REPRESENTATION GIVEN DT. 19.1.07

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 3002 OF 2007

Dated this the 6th day of June, 2007

J U D G M E N T

Though the grievance of the petitioner has been redressed to a large extent, in as much as she has been paid a sum of Rs.1,25,554/- towards her DCRG, she has got a contention that she is still to get further sum from the Government. In the counter affidavit filed by respondent No.3 it is stated thus:

“The Accountant general, Thiruvananthapuram at the time of local audit of Accounts and Registers of Office of the Assistant Educational Officer, Palakkad, objected the refixation of pay of the petitioner at Rs.5,800/- with effect from 1.7.1998 in the pay. Headmasters' scale of pay Rs.5,500-9,075/- The objection was dropped by the Accountant General only on 5.4.2006 and the fixation of pay in the revised scale has been admitted by this office on 30.5.2006. Then the proposal for revised pensionary benefits has been forwarded to the Accountant General, Thiruvananthapuram by the 4th respondent on 11.12.2006, as per No.A-5054/06, dated 7.12.2006.”

2. Learned Government Pleader submits that appropriate action will be taken by the Accountant General in terms of the

averments made in Para.3 of the counter affidavit extracted above.

3. The other question that is to be considered is whether the petitioner is entitled to get interest for the delayed payment. As rightly pointed out by the learned counsel for the petitioner Miss. Leela Narayanan, the audit objection was dropped as early as on April 5, 2006 and fixation of pay in the revised scale was admitted by the office of respondent No.3 on May 30, 2006. But the proposal for revised pensionary benefits has been forwarded to the office of the Accountant General by respondent No.4 only on December 11, 2006, as is seen admitted in Para.3 of the counter affidavit. There is no explanation why forwarding of the papers to the office of the Accountant General was delayed.

4. Learned Government Pleader points out that the earlier writ petition filed by the petitioner was disposed of only on December 11, 2006 and on the same day the paper was forwarded.

5. It has to be noted that the petitioner had to file another writ petition on an earlier occasion when the retiral benefits were withheld. Pending that writ petition, respondents had processed the application and taken steps to forward the papers to the office of the Accountant General. Anyhow, there is no explanation for the delay in forwarding the papers to the office of the Accountant General. It is

also pointed out by the learned counsel that petitioner was unnecessarily harassed by respondents 3 & 4 alleging that a liability of Rs. 726 had been fastened on her. Subsequently, the said demand was also withdrawn reducing the liability to Rs. 22/-.

In the above facts and circumstances, the writ petition is disposed of with a direction to respondent No.2 to consider and pass appropriate consequential orders and disburse the entire amount due towards revised pensionary benefits to the petitioner as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment. As regards the claim for statutory interest for the delayed payment, I am satisfied that interest of justice will be met if respondents No.3 and 4 are directed to pay jointly Rs 2,500/- towards cost of this proceeding to the petitioner from their pocket. The payment shall be made within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

A.K. BASHEER, JUDGE

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1ST MARCH, 2007